

REMARKS

Claims 1, 3-12 and 14-16 remain in the present application. Claims 1 and 8 are amended, and no claims have been cancelled. Claim 1 is the sole independent claim.

Interview Summary

Applicants thank the Examiner for the telephone interview conducted on March 9, 2009. During the interview, the Examiner indicated that the above amendment to claim 1 would put the application in condition for allowance. Therefore, Applicants submit the claim amendments shown in the preceding section of this amendment were prepared consistent with the Examiner's suggestions and thus, are believed to overcome the current rejections as detailed below.

Rejections under 35 U.S.C. § 112

Claim 8 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants respectfully traverse this rejection for the reasons detailed below.

Applicants have amended claims 1 and 8 in accordance with the Examiner's recommendation.

The Applicants, therefore, respectfully request that the rejection to Claim 8 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Rejections under 35 U.S.C. § 102/103

Hirayama

Claims 1, 3-5, 7, 9-12, 14 and 16 stand rejected under 35 U.S.C. § 102(b) as anticipated by, or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over US Patent No. 6,383,564 to Hirayama. Applicants respectfully traverse this rejection for the reasons detailed below.

Hirayama appears to teach applying **a reaction mixture** containing polyol and silicone oil to a substrate in order to form a covering layer. The Examiner has admitted in the March 9, 2009 Interview that Hirayama does not teach or suggest “a polishing layer consisting of a **hydrophilic polymeric matrix**, and liquid non-water soluble microelements and hollow polymeric microelements embedded in the polymeric matrix, **wherein open pores defined by the embedded liquid microelements are uniformly distributed across an exterior surface of the polishing layer, and the liquid non-water soluble microelements and the hollow polymeric microelements are uniformly distributed across an interior surface of the polishing layer such that the open pores are not present therein**” as recited in amended independent claim 1.

The Applicants, therefore, respectfully request that the rejection to Claim 1 under 35 U.S.C. § 102(b) or 103(a) be withdrawn.

Claims 3-5, 7, 9-12, 14 and 16, dependent, directly or indirectly, on independent claim 1, are patentable for the reasons stated above with respect to claim 1 as well as for their own merits.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection to independent claim 1 and all claims dependent thereon.

Rejections under 35 U.S.C. § 103

Hirayama as applied to claim 1, further in view of Bernheim et al.

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,383,564 to Hirayama as applied to claim 1, and further in view of US Patent Publication No. 2004/0137155 to Bernheim et al. Applicants respectfully traverse this rejection for the reasons detailed below.

Even assuming *arguendo* that Bernheim could be combined with Hirayama (which Applicants do not admit), the Examiner has failed to show how Bernheim remedies the deficiencies of Hirayama with respect to independent claim 1. Thus, claim 6 is patentable over Hirayama and Bernheim for the reasons set forth above with respect to independent claim 1.

The Applicants, therefore, respectfully request that the rejection to Claim 6 under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

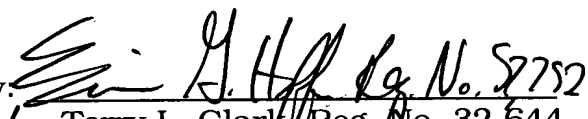
Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1, 3-12 and 14-16 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Erin G. Hoffman, Reg. No. 57,752, at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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